

**Planning and Rights of Way Panel 23<sup>rd</sup> February 2021**  
**Planning Application Report of the Head of Planning & Economic Development**

<b>Application address:</b> 2 Newtown Road, Southampton			
<b>Proposed development:</b> Alterations and extension of existing building to form 7 flats (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats)			
<b>Application number:</b>	20/00681/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.07.2020	<b>Ward:</b>	Woolston
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Blatchford Cllr Hammond Cllr Payne
<b>Cllr Objections:</b>	Cllr Blatchford Cllr Payne	<b>Reason:</b>	Intensive form of development, with lack of privacy and a quality amenity space. Poor parking survey. Nearby junction is hazardous
<b>Applicant:</b> Mr Dhaliwal		<b>Agent:</b> Southern Planning Practice	

<b>Recommendation Summary</b>	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant planning history		

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
  - i. An agreement between the applicant and the Council under s.278 of the Highways Act to undertake a scheme of works or provide a financial contribution towards site specific transport contributions for highway improvements, including a Traffic Regulation Order (if required) and the reinstatement of the dropped kerb, in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
  - ii. The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iii. A scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

### 1. The site and its context

- 1.1 The site occupied a prominent corner location situation at the junction between Newtown Road, Weston Lane, Upper Weston Lane and Wrights Hill. A railway line runs to the rear of the site.
- 1.2 The site is occupied by a detached two storey building. At present the site has a retail use at ground floor level with an associated three bedroom flat at first floor level. At present the site frontage is used for customer parking, with the rear of the site primarily in use for ancillary parking/storage for the retail and residential elements.

## 2. **Proposal**

- 2.1 The application proposes substantial alterations to the existing building to facilitate the conversion of the property, removing the retail element and resulting in a total of 7 flats on the site comprising 4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats.
- 2.2 The building would be extended substantially both in terms of the footprint and massing of the building, with new accommodation in the roof at 3-storey level, a new parking layout and bin area to the front, and amenity space for the proposed flats provided to the rear.

## 3. **Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

## 4. **Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.

## 5. **Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (12.06.2020). At the time of writing the report **31 representations** have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***Insufficient on-site parking/site is adjacent to a busy junction***

### **Response**

The application provides 2 parking spaces for the 7 flats and the application has been submitted with a parking survey, showing spare local capacity, to address how the transport needs of the occupiers will be met. Some concern was initially raised by the Council’s highways team with regard to the precise layout of the site in the context of the nearby junction so an amended landscaping and parking layout has been proposed with improved sightlines. It is noted that at present the site has parking on the frontage associated with the retail use which results in a high number of vehicle movements in proximity to the junction which it is considered the proposal will reduce. The proposal will reduce the number of

vehicles reversing out onto the highway and the problems caused by retail servicing.

5.3 ***Parking survey inadequate (time of day/school/200m radius)***

**Response**

Concern has been raised that the parking survey was undertaken at times when traffic around the site was low (05:15 Sunday and 22:15 Monday). The parking survey seeks to establish whether there is sufficient on-road capacity to meet the needs of the proposed development. The Council's guidance on undertaking parking surveys suggests undertaking parking surveys at times when uptake of on-road parking is high (typically between 10PM and 6AM when residents are most likely to be at home and utilise on-road parking if needed). While the circumstances of the survey during lockdown as a result of Covid-19 are unusual, it is noted that these circumstances are likely to increase the likelihood of local residents being at home and utilising on-road capacity as necessary. It is noted that this would not capture the additional pressure caused by the school. This issue is discussed in more detail in section 6 below.

5.4 ***Potential for additional on-road parking on site frontage following removal of existing dropped kerb problematic in proximity to junction***

**Response**

The partial reinstatement of the existing dropped kerb would potentially allow additional on-road parking along the site frontage, though it is noted that this capacity has not been counted during the submitted parking survey. The potential need for additional parking restriction along this frontage as a result of these changes would need to be reviewed and considered as normal through an appropriate Traffic Regulation Order.

5.4 ***Loss of local shop/facilities***

**Response**

While the Council supports the retention of local community facilities where possible, it is noted that the site is not allocated for a particular use and the surrounding area is residential in nature. It is not considered that the residential use of the site is objectionable in principle and the shop could close, or exercise prior approval benefits, at any time and is not afforded protection through Planning policy.

5.5 ***Out of character with the appearance of surrounding area***

**Response**

The proposal represents a substantial alteration of the existing built form on the plot both in terms of scale and design. The surrounding area has a mix of development styles and, in the context of the prominent corner plot it is not considered that some departure from the design of neighbouring properties would be intrinsically harmful.

5.6 ***Landscaping plan needs further refinement***

**Response**

Some amendments have been made to the landscaping design, however a more detailed landscaping arrangement is proposed to be secured by condition.

5.7 ***Potential for construction traffic to cause obstruction***

**Response**

Construction traffic is typically temporary and would be expected to obey normal traffic laws. A condition has been proposed to secure a construction management plan.

5.8 ***The post box should be retained/relocated***

**Response**

Whether the post box or alternate provision would be retained on site would be a private matter for the land owner to consider in conversation with the Post Office. It is not a Planning concern.

**Consultation Responses**

- 5.9 **SCC Highways** – The proposed change of use will reduce trips associated with the existing retail use (including servicing with the potential for HGV movements). Some concerns were raised with the initial design with regard to available sightlines on the junction however these have been addressed following an amended site plan improving sightlines. Existing dropped kerb should be reinstated as necessary. Refuse and cycle storage acceptable in principle subject to more details being secured. Having review the parking survey it would appear there is available on street parking within the defined 200m walking distance.
- 5.10 **Archaeology** – The proposal has the potential to threaten archaeological deposits and as such suitable conditions are recommended to ensure appropriate investigation/recording.
- 5.11 **CIL** – The development is CIL liable as there is a net gain of residential units.
- 5.12 **Ecology** – The existing site has negligible biodiversity value. A condition is recommended to incorporate simple biodiversity enhancements.
- 5.13 **Environmental Health** – No objection subject to a condition to secure a construction management plan.
- 5.14 **Sustainability** – The site makes some use of the existing building however given the context of the site and relevant location and national policies, a condition is recommended to ensure water efficiency standards
- 5.15 **Cllr Blatchford (summary)** – Very intensive development with lack of privacy and good quality amenity space. More comprehensive parking survey would have been preferred given others developments in the area which rely on on-road parking capacity. Nearby junction is hazardous and would be worsened by additional on-road parking.

- 5.16 **Cllr Payne (summary)** – No objection in principle, however area suffers from parking pressure of nearby school so concern with regard to reliance on on-road parking. Concerns regarding safety of nearby junction.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport; and,
- Mitigation of direct local impacts

### **6.2 Principle of Development**

- 6.2.1 The site is not allocated for additional housing and, therefore, this proposal would represent windfall housing development. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However, it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

- 6.2.2 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 dwellings per hectare although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. At present the site has a residential density of 14 dwellings per hectare, with the additional mixed commercial element.

- 6.2.3 Following the proposal the site would have a residential density of 101 dwellings per hectare. Maximising previously developed land with high density residential schemes is an underlying principle of local and national planning policy. Whilst this development comprises of high-density development, density calculations should be read alongside how the development would assimilate with the character and appearance of the area. The proposals result in the loss of a retail shop, however the site is not located in a defined primary or secondary shopping frontage. Furthermore the proposals include a number of visual benefits to the site frontage which can only be realised through the loss of the retail use and therefore the loss of a retail unit in this location is considered to be acceptable in this instance. In addition whilst the proposals result in the loss of a 3 bedroom flat, which constitutes a family dwelling, this is compensated through the provision of a new 3 bedroom flat with access to rear amenity space (over 50sqm), therefore there is no loss of family dwelling and the proposals comply with Policy CS16 in this regard. The surrounding area is broadly residential in nature and no objection is raised to the principle of residential accommodation in this location. The key issue are the specifics of how the proposal integrates with the site and its surrounding context, which is considered in more detail below.

### 6.3 Design and effect on character

- 6.3.1 The application site is situated in a primarily residential area, with a mix of different dwelling types. The site forms of corner plot between Newtown Road and Weston Lane/Upper Weston Lane and is prominently visible from both frontages.
- 6.3.2 A number of alterations are proposed to the existing building to facilitate the conversion, including an extension of the building and substantial alterations to the existing roof form (including raising of the ridge line and insertion of dormers and gable forms to facilitate additional accommodation in the roof).
- 6.3.3 Typically, development in the surrounding area is two-storey in scale, though the opposite corner plot (1-8 Mayfield View) has a similar three storey design to the proposed scheme. The surrounding area has a mix of designs and layouts, with the immediate adjacent residential dwellings being well set back from the site frontage.
- 6.3.4 On balance it is considered that the corner plot location does provide for some capacity to increasing the massing of the building and the accommodation at third storey level. While the changes to the roof design represent a substantial departure from the existing building, it is not considered that the alterations would be substantial harmful in the context of the surrounding built form. The proposal does make some use of dormers, however they are typically set within the main roof form and are not considered to detract substantially from the overall appearance of the building.
- 6.3.5 In addition, substantial improvements would be made to the site frontage through these proposals. At present the front of the site comprises of a parking area to the front and side of the building, accessed from a long dropped kerb off Newtown Road. The application proposes to reinstate the kerb and consolidate a smaller access point off Newtown Road. This also provides the opportunity for new landscaping to the frontage and a new boundary wall, which provides an improved definition to the residential site boundaries. In addition the rear of the existing site comprises of hardstanding used for a mixture of parking and storage areas, which has an unkept appearance. The rear of the site would be divided in to new amenity areas for the proposed flats, which is considered to be an improvement to visual appearance of the site. In addition, the west elevation of the existing building has been previously used for a large advertising board. The elevational alterations to the building would remove this unappealing feature of the building, and provide a higher quality elevational, more in keeping with the residential surroundings. Overall it is considered these improvements to the overall appearance of the site and reinstatement of the kerb and site frontage represent substantial benefits of the application proposals and enable the development to assimilate sympathetically with the character and appearance of the area.

## 6.4 Residential amenity

- 6.4.1 The application proposes 2 flats at ground floor level (1x 3-bed and 1x 2-bed) which both have access to their own private amenity space (50sq.m and 26sq.m respectively). The remaining 5 flats (4x 1-bed, 1x 2-bed) share the remaining 96sq.m to the rear (77sq.m of immediate amenity space without the space allocated for the cycle store). Two of the flats additionally have 5sq.m of balcony space and two have 3.5sq.m of balcony space. Only Flat 3 (1 bed) doesn't have its own private amenity space, although residents can utilise the shared communal greenspace at the rear of the site..
- 6.4.2 The Councils Residential Design Guide outlines that flatted units should typically expect to have around 20sq.m of amenity space per unit. Across the entire site 170sq.m of amenity space is provided for a total of 24.3sq.m per unit. In practice, the two larger 3-bed and 2-bed exceed this threshold with private amenity provision, while the upper floor 2-bed and 1-bed units fall marginally under using balconies and the communal space (18.8sq.m per unit). Notwithstanding this, it is noted that the larger communal amenity space area to the rear is considered to be a large, functional and accessible space which would serve the needs of the proposed occupiers. It is also noted that the site sits in close proximity to other outside facilities. Of the units without private amenity space, Flat 3 is the only one which does not benefit from a balcony area and relies solely on the communal space, however this is also the largest 1-bed unit. It is noted that the balconies would overlook the private amenity space for the ground floor flats, however it is noted that incorporating this space into the communal flat provision would not change this arrangement and is fairly typical for flatted developments.
- 6.4.3 On balance it is considered that providing a larger amenity provision for the ground floor units is an acceptable use of the land available on the site and overall the development provides a high quality living environment for future occupiers of the proposed residential accommodation.
- 6.4.4 In terms of internal living environment, the property is designed to rely on outlook to the front, rear and side (fronting towards Weston Lane). Some additional windows (including a second floor dormer window) are proposed on the south east elevation however these all serve as secondary windows or to non-habitable rooms. As such it is considered reasonable to impose a condition ensuring windows on this elevation are obscured to minimise the potential for overlooking of the neighbouring site. While the available outlook of some of the ground floor level rooms is somewhat constrained by the landscaping arrangements, on balance it is considered that the proposal provides a generally reasonable quality of outlook for the proposed occupiers.



6.4.5 In terms of internal amenity, the Council has not adopted the national floor space standards, however they can often serve as a useful point of comparison.

Accommodation	Space Standard (sq.m)	Proposed development (sq.m)
Flat 1: 3 bed, 4 person 3 bed, 5 person 3 bed, 6 person	74 86 95	89
Flat 2: 2 bed, 3 person 2 bed, 4 person	61 70	66
Flat 3: 1 bed, 1 person 1 bed, 2 person	37 50	50
Flat 4: 1 bed, 1 person 1 bed, 2 person	39 50	39
Flat 5: 2 bed, 3 person 2 bed, 4 person	61 70	68
Flat 6: 1 bed, 1 person 1 bed, 2 person	39 50	64
Flat 7: 1 bed, 1 person 1 bed, 2 person	39 50	45

Flat 4, the smallest of the units maintains compliance with the standards. Overall, it is considered that the internal living environment for the proposed occupiers is acceptable.

6.4.6 In terms of neighbouring occupiers, the site is well set back from properties on three sides of the site given the layout of the corner plot. The additional massing and projection towards the boundary would have some potential to impact on the adjacent residential property at 8 Newtown Road however. This property is set comparatively further back from the site frontage meaning that the main impact would be to the side and front of the property. The neighbouring property has an existing outbuilding situated to the front of the site which reduces the currently sightlines and outlook. Taking into account the layout and relationship with the new development being situated to the side it is not felt that the additional massing would prove substantially harmful. On balance, taking into account the existing relationship between the buildings, available outlook and existing obscure glazing on the neighbouring property, it is not considered that the relationship would be so harmful as to justify refusing the application.

6.4.7 For the reasons laid out above it is considered that the proposal would have an acceptable impact on the amenities of both existing residents and provide a reasonable quality of living environment for the proposed occupiers.

## 6.5 Parking highways and transport

- 6.5.1 The site is situated in an area with a number of existing highways pressures, in terms of both the existing on-street parking demand, the nearby junction which serves as a key through route for traffic and the pressure from the nearby school.
- 6.5.2 The existing use of the site as a retail use with off-road parking does generate a number of trips to the site. The layout of the access and proximity to the junction are not ideal with regard to vehicular movements on and off the site and potential associated servicing of the commercial premises, however the intensification of the residential use is likely to lead to its own separate pattern of impacts.
- 6.5.3 With regard to highways safety and the relationship with the nearby junction, the Council's Highways team requested some alterations to the proposed landscaping arrangement to ensure suitable sightlines were retained to the north-east. A condition has been recommended in this regard.
- 6.5.4 The application site proposes a total of 7 units on site (4x 1-bed flats, 2x 2-bed flats and 1x 3-bed flats). In accordance with the Council's Parking Standards SPD, the development site is not situated in an area of defined high accessibility and would generate a maximum parking provision of 10 spaces. The application proposes to secure 2 on-site parking spaces. This is compliant.
- 6.5.5 A statement has been submitted with the application to outline how the transport needs of the occupiers will be met. The site has close access to nearby public transport options and appropriate cycle storage can be secured to encourage alternative forms of transport. With regard to car parking, there is a shortfall of 8 spaces below the maximum standard allowed in the Council's Parking Standards SPD. The applicant has undertaken a parking survey to assess the existing uptake of on-street parking to clarify if there is sufficient capacity to accommodate this shortfall.
- 6.5.6 Two surveys were undertaken (Sunday 1<sup>st</sup> March at 05:15 and Monday 2<sup>nd</sup> March at 22:15). The first survey found 29 spaces within the 200m radius and the second found 28 spaces free within the 200m radius. It would appear that there is sufficient on-street capacity to accommodate the additional needs of the development.
- 6.5.7 While the parking survey has noted the existence of the nearby schools, due to the timings of the undertaken parking survey it has not accounted for the presence of the nearby school and the particular on-street parking pressure this is likely to bring at specific times of day with regard to the pick up and drop off of pupils. In terms of the application site and timing this is less likely to affect residents' direct ability to find a parking space but would potentially exacerbate the existing pressure around these times meaning that parents and children may need to park further from the school and exacerbate existing amenity issues for nearby residents.
- 6.5.8 On balance, with regard to the available overnight on-street parking capacity and improvements to the on-site arrangement with regard to the reduction in movements on and off the site and servicing in proximity to the junction, it is not considered that there would be sufficient harm in terms of highways amenity or safety to justify refusing the application on this basis.

6.5.9 It is noted that a recent application on the other side of the junction (The Conifers Wrights Hill, 19/01963/FUL) has had a resolution to grant permission but is still pending approval subject to the completion of a S106 legal agreement. It is noted that this development secured 2 on-site parking spaces per dwelling to meet the maximum parking standards, in addition to informal provision for additional visitor parking. As such, it is not considered that this development would substantially alter the existing on-street parking demand.

6.5.10 The application has proposed locations for refuse and cycle stores to meet the needs of the proposed units. It is considered that further details of the precise appearance and specifics of these structures would be required and can be secured by a suitable condition. In terms of the access and layout of these spaces, it is considered that they are positioned to provide a reasonable quality of access for the proposed occupiers.

## 6.6 Mitigation of direct local impacts

6.6.1 Given the scale and impact of the development, the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A Section 106 legal agreement with the applicant will seek to secure these. In addition the scheme triggers the Community Infrastructure Levy.

6.6.2 Furthermore, to address its impact on European designated sites for nature conservation, the application is delegated for approval subject to the payment of a contribution towards the Bird Aware Solent scheme. The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitats Regulations Assessment (HRA) has been undertaken, in accordance with the requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

## 7. Summary

7.1 The application proposes a substantial alteration to both the existing appearance and nature of use on the site. The site is prominent corner plot. No objection is raised to the principle of the residential use of the site and loss of the existing retail use. The proposals represent significant improvements to the visual appearance of the site within its surroundings including the site frontage and appearance of the building in its residential environment. The proposals provide an acceptable quality of living environment for the proposed occupiers without harmful impacting on the amenities of nearby properties. While it is accepted that the area surrounding the site is under a number of pressures with regard to on-road parking and highways safety, it is not considered that the proposal would result in substantial harm in this regard that would justify a refusal of the application. On the contrary the proposal should improve the visual appearance

of the streetscene and remove conflicting vehicle movements associated with the existing shop.

## **8. Conclusion**

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

**JF for 23/02/21 PROW Panel**

### **PLANNING CONDITION**

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)  
Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:
- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
  - ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
  - iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
  - iv. details of any proposed boundary treatment, including retaining walls and;
  - v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04. Use of uncontaminated soils and fill (Performance)  
Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.  
Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

05. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at [Waste.management@southampton.gov.uk](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

06. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

07. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

08. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- a. parking of vehicles of site personnel, operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials, including cement mixing and washings, used in constructing the development;
- d. treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;

- e. measures to be used for the suppression of dust and dirt throughout the course of construction;
- f. details of construction vehicles wheel cleaning; and,
- g. details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

9. Obscure Glazing (Performance Condition)

All windows in the south-east side elevation, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

10. Water efficiency

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a maximum of 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA. The appliances/ fittings to be installed as specified.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

11. Archaeological evaluation/watching brief investigation (Pre-Commencement)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

12. Archaeological evaluation/watching brief work programme (Performance)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed

13. Sightlines specification (Pre-Commencement)

The visibility splay as shown on the approved drawing S-NM-322.1.05 Rev D shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

Reason: To provide safe access to the development and to prevent congestion on the highway.

#### 14. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **NOTES TO APPLICANT**

#### 1. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

#### 2. Network Rail

Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

#### 3. Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.



## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.**

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report

Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.

### Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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## Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

### Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

### The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

### Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

#### Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

#### New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

*Within Southampton the Council will promote biodiversity through:*

*1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;*

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

#### **Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP22	Contaminated Land
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

990436/EA, Installation of an illuminated fascia sign  
Conditionally Approved, 05.07.1999

990437/E, Installation of 2 canopies to front elevation  
Conditionally Approved, 23.06.1999

930107/EA, Installation of illuminated fascia sign  
Conditionally Approved, 10.03.1993